

REMARKS

Claims 19, 22, 48 and 51 have been cancelled. Claims 1-7, 9-18, 20, 21, 23-37, 39-41, 44-47, 49, 50, 52-54 are still pending in this application.

Reconsideration of the application is earnestly requested. Although the Examiner's arguments have been carefully considered, Applicant respectfully traverses these rejections as explained below. The independent claims 1, 25, 37 and 52 had been rejected under 35 USC §103 as being unpatentable over *Carroll et al. (Carroll)* in view of *Tsuei et al. (Tsuei)*.

Each independent claims require an enrollment process in which a trusted party verifies the identity of the presenter using the enrollment data and then associates authentication data (for example, a password) with the presenter. The advantage of the enrollment process is that the trusted party authenticates the presenter and the associated profile data such that the trusted party can later authenticate that any profile data submitted by the prescnter to a merchant (an "acceptor") during a later transaction is authentic. The authentication data established during the enrollment process is later used by the presenter to prove that he is who he says he is.

In order to clarify the claims, the phrase "authenticity of said presenter" has been replaced by the phrase "identity of said prcsenter" in each of the independent claims. Applicant submits that the meaning remains the same, but is attempting to avoid confusion with the later step of "authenticating" performed by the trusted party.

Each indepdendent claim has also been amended to require "said trusted party being an issuer of an account to said presenter." The advantage is that the trusted party, being an issuer of an account, is in possession of information regarding the presenter and is thus in a better position to verify the identity of the presenter during the enrollment process.

Claim 1

Claim 1 requires an enrollment process in which the trusted party verifies the identity of the presenter using enrollment data and associates authentication data (for example, a password) with the presenter. Specifically, claim 1 requires:

receiving, by said trusted party during an enrollment process, profile data and enrollment data from said presenter, said trusted party being an issuer of an account to said presenter; and

verifying, by said trusted party during said enrollment process using said enrollment data, the identity of said presenter and associating authentication data with said presenter.

Verifying the identity of a person (such as a presenter) means simply that. "Verify," according to a dictionary, means "to prove to be true by demonstration, evidence or testimony; confirm or substantiate." Once the identity of a person is verified, one is provided with a near guarantee that the person whose identity is in question, is who he says he is.

The *Tsuei* reference does not teach or suggest verifying the identity of the applicant. As mentioned in the previous Reply, there is no verification of the applicant's supposed "true" identity using enrollment data; the information provided by the applicant is simply taken at face value and believed. The citations noted indicate that the application is a typical credit card application, no special processing is performed, and there is no in-depth analysis or verification of the applicant's true identity using enrollment data.

The Office Action at page 2 points out that using enrollment, registration or subscription data as part of authentication is well known in the art. Applicant is not suggesting that an enrollment or registration process is not known in the art, what Applicant submits is that verifying of the identity of a presenter by a trusted party during an enrollment process is not disclosed in the art of record. The Office Action cites *Carroll* at column 1 as disclosing "both the customer and merchant register to participate in the various versions of the systems." But, simply registering to participate in the system does not mean that the identity of the customer is being verified.

The Office Action references various paragraphs in *Tsuei* as disclosing a registration process with authentication. Paragraphs 27, 199 and 207 disclose registration with a private mail service, but the customer's identity is not verified. The text associated with Figure 27 discusses the need for a customer to authenticate his identity (paragraph 202), but this authentication refers to the customer supplying a password to the system after registration has occurred. This text does not address verification of the customer's identity by the system upon registration. Further, paragraph 201 discusses the customer supplying information to the private mail service, but there is no disclosure of the customer's identity being verified.

Because the *Tsuei* reference does not disclose verifying the identity of a presenter, while claim 1 requires an enrollment process in which enrollment data is used to verify the identity of

the presenter of that enrollment data, it is submitted that these features of claim 1 are not taught or suggested by the *Tsuei* reference and it is requested that the rejection be withdrawn.

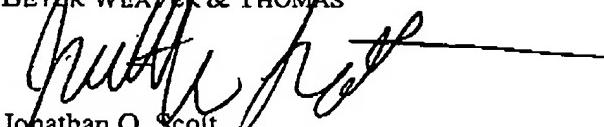
Claim 25, 37 and 52 also requires an enrollment process in which the trusted party verifies the identity of the presenter, and it is also submitted that these elements are not taught or suggested by *Tsuei*.

Disclosure of Related Applications

The following pending applications are related to the instant application: 09/842,313; 10/384,735; 10/270,149; 10/156,271 and 10/838,719. It is believed that Office Actions in these related applications will contain arguments relevant to the instant application, and Applicant requests that the Examiner review all of the Office Actions from these related applications.

Reconsideration of this application and issuance of a Notice of Allowance at an early date are respectfully requested. If the Examiner believes a telephone conference would in any way expedite prosecution, please do not hesitate to telephone the undersigned at (612) 252-3330.

Respectfully submitted,  
BEYER WEAVER & THOMAS

  
Jonathan O. Scott  
Registration No. 39,364

BEYER WEAVER & THOMAS, LLP  
P.O. Box 778  
Berkeley, CA 94704-0778

Telephone: (612) 252-3330  
Facsimile: (612) 825-6304